

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

REVISED SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 95-0418-0502-01

ELECTIONS: CBM UNIT W-30
(herein "Subject Drilling Unit")

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on December 11, 1995 which was recorded at Deed Book 444, Page 16 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on December 19, 1995, (herein "Board Order") and the Supplemental Order(s) entered on September 5, 1996 which was/were recorded at Deed Book 453, Page 256 on September 12, 1996 in the said Clerk's Office.

Findings: The Board finds that:

1. The Board Order and previous Supplemental Order(s) directed POCAHONTAS GAS PARTNERSHIP (herein "Designated Operator") to escrow bonus and royalty payments attributable to conflicting claims of ownership by paying the same to the Board's Escrow Agent for deposit in the Escrow Account pursuant to the provisions and requirements of § 45.1-361.4, Va. Code Ann.
2. The Designated Operator has filed a Supplemental Affidavit dated October 25, 2000 disclosing that Coal Mountain Mining Company and Yukon Pocahontas Coal Company et al. have entered into a royalty split agreement.
3. By reason of the aforementioned royalty split agreement, it is no longer necessary for the Designated Operator to tender royalty payments to the Escrow Agent attributable to the conflicting claims of Coal Mountain Mining Company and Yukon Pocahontas Coal Company et al.
4. The revised Exhibit E annexed hereto and submitted to the Board by the Designated Operator with its Supplemental Affidavit identifies those persons whose conflicting claims of ownership continue to require escrow.
5. The Supplemental Affidavit further indicates that the Designated Operator has heretofore filed or will forthwith file its petition seeking a further Board Order disbursing escrowed bonus and royalty payments now on deposit in the Escrow Account subject to the aforementioned split agreement.

Order:


6. By this order, the Board vacates those portions of its prior Order(s), and/or Supplemental Orders(s), which required the Designated Operator to deposit funds pertaining to the conflicting claims of Coal Mountain Mining Company and Yukon Pocahontas Coal Company et al. and orders the Designated Operator after entry of this Supplemental Order to pay such funds, which would otherwise have been payable to the Escrow Agent under the Board's prior Orders, directly to the parties to the said split agreement as provided in their agreement.
7. The Board, in the event the Designated Operator has not already done so, directs the Designated Operator to forthwith file its petition seeking disbursement of all funds on deposit in the Escrow Account attributable to the conflicting claims of Coal Mountain Mining Company and Yukon Pocahontas Coal Company et al.

Mailing of Order and Filing of Affidavit: The Designated Operator shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven (7) days from the date of receipt of this Order.

Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

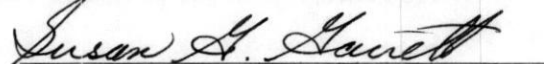
Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 8th day of November, 2000, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler


**STATE OF VIRGINIA
COUNTY OF WISE**

Acknowledged on this 8th day of November, 2000, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Susan G. Garrett, Notary

My commission expires: July 31, 2002.

DONE AND PERFORMED THIS 17th day of November, 2000, by Order of the Board.


B. R. Wilson
Director of the Virginia Gas & Oil Board
and Principal Executive to the Board

**STATE OF VIRGINIA
COUNTY OF WASHINGTON**

Acknowledged on this 17th day of November, 2000, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Acting Principal Executive to the Staff, Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Diane J. Davis, Notary

My commission expires: 9/30/2001

VIRGINIA:

SUPPLEMENTAL AFFIDAVIT RE CBM UNIT W-30

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE: Application of Pocahontas Gas Partnership for Forced Pooling of Interests in CBM Unit W-30
VGOB-95-0418-0502-01 in the Garden District of Buchanan County, Virginia

AFFIDAVIT OF POCAHONTAS GAS PARTNERSHIP (herein "Designated Operator")
REGARDING ESCROW AND SUPPLEMENTAL ORDER

Leslie K. Arrington, being first duly sworn on oath, deposes and says:

That your affiant is employed by CONSOL Inc. as a Permit Specialist and is duly authorized to make this affidavit on behalf of POCAHONTAS GAS PARTNERSHIP, the Designated Operator;

That the Order entered on September 5, 1996, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to tender to the Escrow Agents funds attributable to the rights, interests and claims of the persons identified in the annexed Exhibit E as subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia;

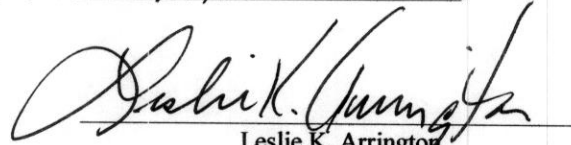
That after the pooling hearing held in the captioned matter, Coal Mountain Mining Company and Yukon Pocahontas Coal Company et al. entered into a royalty split agreement; that by the terms of said agreement escrow regarding the conflicting claims of Coal Mountain Mining Company and Yukon Pocahontas Coal Company et al. is no longer required;

That annexed hereto are revised Exhibits E and EE;


That the Designated Operator has heretofore filed its petition seeking the disbursement from escrow of all funds on deposit attributable to the conflicting claims of Coal Mountain Mining Company and Yukon Pocahontas Coal Company et al. or the Designated Operator is preparing its petition seeking disbursement from escrow of all funds on deposit attributable to the conflicting claims of said respondents and will file same at its earliest opportunity; and

That the annexed supplemental order provides that the payment of funds subject to the annexed royalty split agreement shall be made to the said parties thereto rather than to the Escrow Agent.

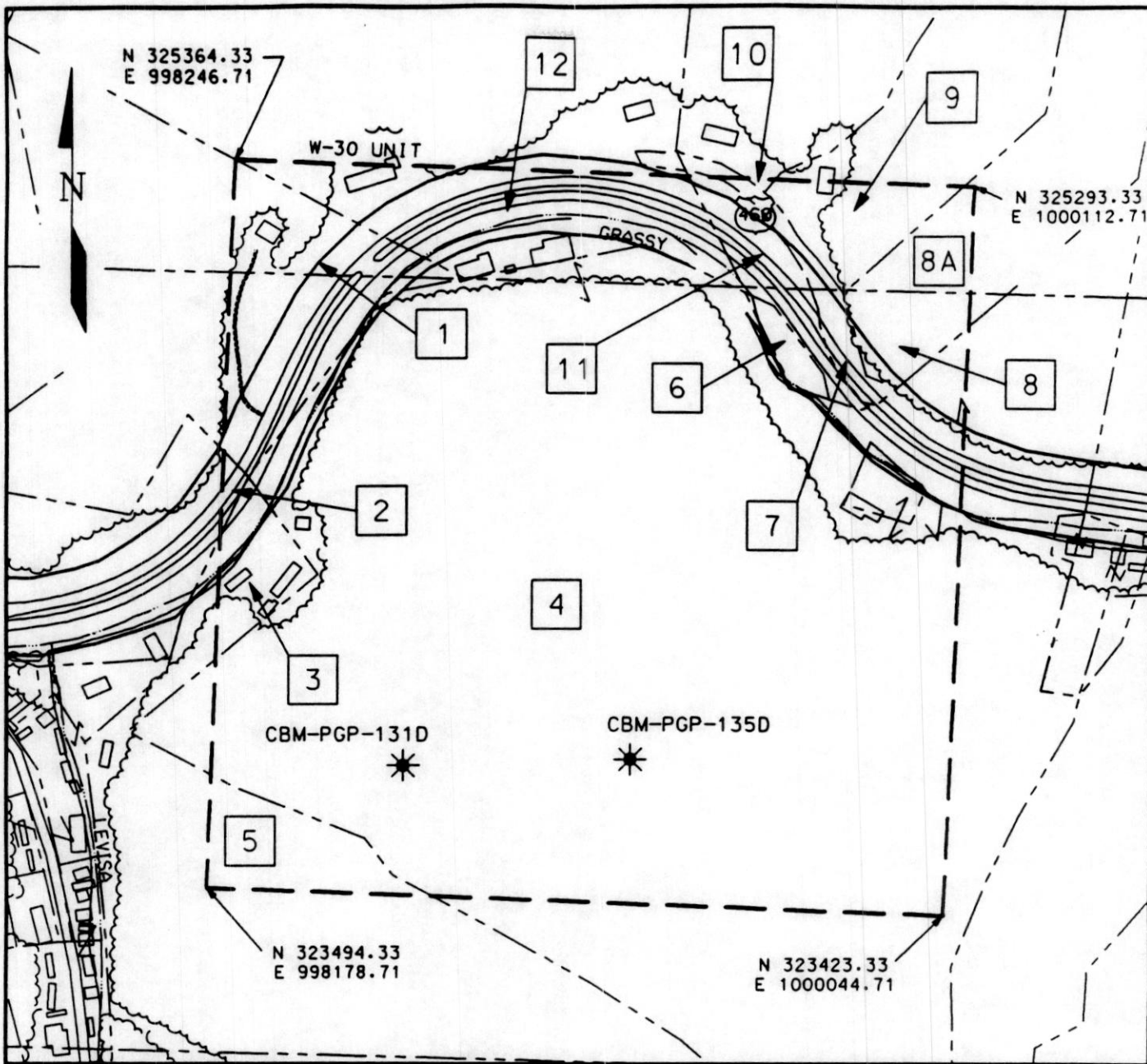
Dated at Tazewell, Virginia, this 25th day of October, 2000.


Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as Permit Specialist of CONSOL Inc., on behalf of the corporate Designated Operator, this 25th day of October, 2000.


Notary

My commission expires: 11/30/01



LEGEND

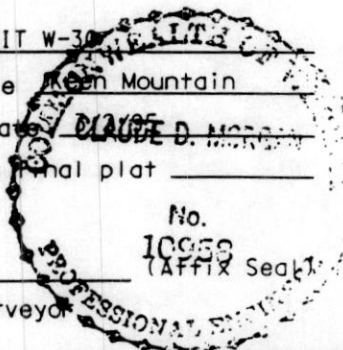
- ↖ TRACT LAND HOOK
- ✱ EXISTING CBM WELL
- ✱ PROPOSED CBM WELL
- [2] TRACT LAND ID'S

EXHIBIT B1
OAKWOOD FIELD UNIT W-30
FORCE POOLING
VGOB-95/04/18-0502-01

Company Pocahontas Gas Partnership Well Name and Number UNIT W-30
Tract No. _____ Elevation _____ Quadrangle Keen Mountain
County Buchanan District Garden Scale: 1" = 400' Date CLAUDE D. MORAN
This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7
Rev. 9/91

Claude D. Moran
Licensed Professional Engineer or Licensed Land Surveyor



POCAHONTAS GAS PARTNERSHIP**UNIT W-30****Tract Identifications**

1. Yukon Pocahontas Coal Company - Tr 113 - Coal, Oil & Gas
Coal Lessees
Jewell Smokeless Coal Corporation
Island Creek Coal Company
Buchanan Production Company - CBM Lessee
No Oil & Gas Lessee of Record
4.91 acres 6.1375%

2. Coal Mountain Mining Company - Tr 24 - Coal
Coal Lessees
Consolidation Coal Company
United Coal Company
Pocahontas Gas Partnership - CBM Lessee
Garden Realty Corporation - Oil & Gas
Consolidation Coal Company - Oil & Gas Lessee
No Oil & Gas Lessee of Record
0.15 acres 0.1875%

3. Coal Mountain Mining Company - Tr 19 - Coal, Oil & Gas
Coal Lessees
United Coal Company
Consolidation Coal Company
Pocahontas Gas Partnership - CBM Lessee
Consolidation Coal Co. - Oil & Gas Lessee
1.41 acres 1.7625%

4. Coal Mountain Mining Company - Tr 17 - Coal
Coal Lessees
United Coal Company
Consolidation Coal Company
Pocahontas Gas Partnership - CBM Lessee
Yukon Pocahontas Coal Company - Oil & Gas
No Oil & Gas Lessee of Record
59.33 acres 74.1625%

5. Coal Mountain Mining Company - Tr 19 - Coal, Oil & Gas
Coal Lessees
United Coal Company
Consolidation Coal Company
Pocahontas Gas Partnership - CBM Lessee
Consolidation Coal Co. - Oil & Gas Lessee
2.13 acres 2.6625%

6. Lucy Wade Heirs - Coal
Coal Lessees
Island Creek Coal Company
Consolidation Coal Company
Lucy Wade Heirs - Oil & Gas
0.41 acres 0.5125%

POCAHONTAS GAS PARTNERSHIP
UNIT W-30
Tract Identifications

- | | |
|-----|--|
| 7. | Consolidation Coal Company - Coal, Oil & Gas 0.88 acres 1.10% |
| 8. | Lucy Wade Heirs - Coal Coal Lessees Island Creek Coal Company Consolidation Coal Company Lucy Wade Heirs - Oil & Gas 1.25 acres 1.5625% |
| 8A. | Lucy Wade Heirs - Coal Coal Lessees Island Creek Coal Company Lucy Wade Heirs - Oil & Gas 1.05 acres 1.3125% |
| 9. | Paul Shortt Heirs et al. - Coal Coal Lessees Island Creek Coal Company Consolidation Coal Company Paul Shortt Heirs et al. - Oil & Gas 1.71 acres 2.1375% |
| 10. | Sue Elkins et al. - Coal, Oil & Gas Coal Lessees Island Creek Coal Company Sue Elkins et al. - Surface 0.02 acres 0.025% |
| 11. | Lucy Wade Heirs - Coal Coal Lessees Island Creek Coal Company Commonwealth of Virginia - Oil & Gas 1.48 acres 1.850% |
| 12. | Yukon Pocahontas Coal Company - Tr 121 - Coal, Oil & Gas Coal Lessees Jewell Smokeless Coal Corporation Island Creek Coal Company Buchanan Production Company - CBM Lessee No Oil & Gas Lessee of Record 5.27 acres 6.5875% |

UNIT W-30
Exhibit B-3
Docket # VGOB-95-0418-0502-01
List of Unleased Owners/Claimants

| | Acres in Unit | Percent of Unit | Division of Interest in 6 East 6.7850% | 7 East 6.2030% |
|---|-----------------------------------|--------------------|--|-------------------|
| II. OIL & GAS FEE OWNERSHIP | | | | |
| <u>Tract No. 6, 0.41 Acres</u> | | | | |
| (1) Lucy Wade Heirs | 0.41 acres | 0.51250% | 0.03477% | 0.03179% |
| (a) Curtis E. Wade Rt. 1 Box 200 Raven, VA 24639 | 0.0586 acres 1/7 of 0.41 acres | 0.07321% | 0.00497% | 0.00454% |
| (b) Ruth Stump Rt. 1 Box 200 Raven, VA 24639 | 0.1171 acres 2/7 of 0.41 acres | 0.14643% | 0.00994% | 0.00908% |
| <u>Tract No. 8, 1.25 Acres</u> | | | | |
| (5) Lucy Wade Heirs | 1.25 acres | 1.56250% | 0.10602% | 0.09692% |
| (a) Curtis E. Wade Rt. 1 Box 200 Raven, VA 24639 | 0.1786 acres 1/7 of 1.25 acres | 0.22321% | 0.01515% | 0.01385% |
| (b) Ruth Stump Rt. 1 Box 200 Raven, VA 24639 | 0.3571 acres 2/7 of 1.25 acres | 0.44643% | 0.03029% | 0.02769% |
| <u>Tract No. 8a, 1.05 Acres</u> | | | | |
| (1) Lucy Wade Heirs | 1.05 acres | 1.31250% | 0.08905% | 0.08141% |
| (a) Curtis E. Wade Rt. 1 Box 200 Raven, VA 24639 | 0.15 acres 1/7 of 1.05 acres | 0.18750% | 0.01272% | 0.01163% |
| (b) Ruth Stump Rt. 1 Box 200 Raven, VA 24639 | 0.30 acres 2/7 of 1.05 acres | 0.37500% | 0.02544% | 0.02326% |
| <u>Tract No. 9, 1.71 Acres</u> | | | | |
| (6) Paul Shortt Heirs, etal | 1.71 acres | 2.13750% | 0.14503% | 0.13259% |
| (a) Ilene Shortt Rt. 1 Box 178 Raven, VA 24639 | 1.14 acres 2/3 of 1.71 acres | 1.42500% | 0.09669% | 0.08839% |
| (b) Sandra Whited 734 Terry Drive Richlands, VA 24641 | 0.57 acres 1/3 of 1.71 acres | 0.71250% | 0.04834% | 0.04420% |

UNIT W-30
 Exhibit B-3
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 List of Unleased Owners/Claimants

| | Acres in Unit | Percent of Unit | Division of Interest in 6 East 6.7850% | 7 East 6.2030% |
|--|---------------------------------|--------------------|--|-------------------|
| <u>Tract No. 10, 0.02 Acres</u> | | | | |
| (1) <i>Sue Elkins, et al.</i> | 0.02 acres | 0.02500% | 0.00170% | 0.00155% |
| (a) Sue Elkins Box 321 Oakwood, VA 24631 | 0.01 acres 1/2 of 0.02 acres | 0.01250% | 0.00085% | 0.00078% |
| (b) Harrett C. Coxton 2819 Greenway Blvd. Falls Church, VA 22042 | 0.01 acres 1/2 of 0.02 acres | 0.01250% | 0.00085% | 0.00078% |
| <u>Tract No. 11, 1.48 Acres</u> | | | | |
| (1) Commonwealth of Virginia P.O. Box | 1.48 acres | 1.85000% | 0.12552% | 0.11476% |

UNIT W-30 BOOK 515 PAGE 719
 Exhibit E
 Docket # VGOB-95-0418-0502-01
 List of Conflicting Owners/Claimants

| | Acres in Unit | Percent of Unit | Division of Interest in 6 East 6.7850% | 7 East 6.2030% |
|--|------------------------------------|--------------------|--|-------------------|
| <u>Tract No. 11, 1.48 Acres</u> | | | | |
| <u>COAL FEE OWNERSHIP</u> | | | | |
| <i>Lucy Wade Heirs, et al.</i> | 1.48 acres | 1.85000% | 0.12552% | 0.11476% |
| (1) <i>Carrie Cook Heirs</i> | | | | |
| (a) Sue Elkins Box 321 Oakwood, VA 24631 | 0.2467 acres 1/6 of 1.48 acres | 0.30833% | 0.02092% | 0.01913% |
| (b) Harrett C. Coxton 2819 Greenway Blvd. Falls Church, VA 22042 | 0.2467 acres 1/6 of 1.48 acres | 0.30833% | 0.02092% | 0.01913% |
| (2) Sandra Whited 734 Terry Drive Richlands, VA 24641 | 0.2467 acres 1/6 of 1.48 acres | 0.30833% | 0.02092% | 0.01913% |
| (3) <i>Lucy Wade Heirs</i> | 0.2467 acres 1/6 of 1.48 acres | 0.30833% | 0.02092% | 0.01913% |
| (a) Curtis E. Wade Rt. 1 Box 200 Raven, VA 24639 | 0.0352 acres 1/7 of 0.247 acres | 0.04405% | 0.00299% | 0.00273% |
| (b) Madge Patricia Dillon 1941 Lisbon Road Chesapeake, VA 23321 | 0.0352 acres 1/7 of 0.247 acres | 0.04405% | 0.00299% | 0.00273% |
| (c) Anna L. Bonhon P.O. Box 278 Oakwood, VA 24631 | 0.0352 acres 1/7 of 0.247 acres | 0.04405% | 0.00299% | 0.00273% |
| (d) Phyllis Jean Estep 402 Gentry Drive Gordonsville, VA 22942 | 0.0352 acres 1/7 of 0.247 acres | 0.04405% | 0.00299% | 0.00273% |
| (e) Dorothy E. Lowe P.O. Box 436 Cedar Bluff, VA 24609 | 0.0352 acres 1/7 of 0.247 acres | 0.04405% | 0.00299% | 0.00273% |
| (f) Ruth Stumpp Rt. 1 Box 200 Raven, VA 24639 | 0.0705 acres 2/7 of 0.247 acres | 0.08810% | 0.00598% | 0.00546% |
| (4) <i>Paul Shortt Heirs</i> | 0.4933 acres 1/3 of 1.48 acres | 0.61667% | 0.04184% | 0.03825% |
| (a) Paul Shortt Heirs Rt. 1 Box 178 Raven, VA 24639 | 0.3289 acres 2/3 of 0.493 acres | 0.41111% | 0.02789% | 0.02550% |
| (b) Sandra Whited 734 Terry Drive Richlands, VA 24641 | 0.1644 acres 1/3 of 0.493 acres | 0.20556% | 0.01395% | 0.01275% |

UNIT W-30 BOOK 515 PAGE 750
Exhibit E
Docket # VGOB-95-0418-0502-01
List of Conflicting Owners/Claimants

| | | | Division of Interest in | | |
|------------------------------------|---|------------|-------------------------|----------|----------|
| | | | 6 East | 7 East | |
| Acres in Unit | | | 6.7850% | 6.2030% | |
| <u>OIL & GAS FEE OWNERSHIP</u> | | | | | |
| (1) | Commonwealth of Virginia P.O. Box Bristol, VA | 1.48 acres | 1.85000% | 0.12552% | 0.11476% |